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Plaintiffs' Co-Lead Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: FACEBOOK, INC., CONSUMER
PRIVACY USER PROFILE LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Case No. 18-md-02843-VC

**DECLARATION OF LESLEY E. WEAVER
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF THE
PARTIES' JOINT DISCOVERY
CONFERENCE STATEMENT**

I, Lesley E. Weaver, declare and state as follows:

1. I am an attorney licensed in the State of California and admitted to the United States District Court for the Northern District of California. I am the Partner-in-Charge of the California Office of Bleichmar Fonti & Auld LLP (“BFA”), Co-Lead Counsel for Plaintiffs in *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, Case No. 18-md-02843-VC (the “MDL”), and a member in good standing of the bar of the State of California and of this Court.

2. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently to them. This declaration is made in support of Plaintiffs’ Administrative Motion to File Under Seal Portions of the Parties Joint Discovery Conference Statement.

3. The declaration is submitted as required by Rule 79-5(d)(1)(A).

4. The highlighted portions of the Joint Statement were all designated as “Confidential” by Plaintiffs pursuant to the protective order regarding confidentiality in this action.

5. The highlighted portions of the Joint contain personal and private information regarding Plaintiff Charnae Tutt.

6. The first full paragraph on page 5 of the Joint Statement describes websites Ms. Tutt visited and apps she used. This information contains Ms. Tutt’s non-public, personal information regarding her internet activity and app use.

7. The second full paragraph on page 5 of the Joint Statement describes ad topics Facebook identified as relevant to Ms. Tutt. This information contains Ms. Tutt’s non-public, personal information regarding her interests.

8. The first partial paragraph on page 6 of the Joint Statement contains information regarding IP addresses from which Ms. Tutt logged into Facebook. This information contains Ms. Tutt’s non-public, personal information regarding her internet activity.

9. The first partial paragraph on page 6 of the Joint Statement also contains information regarding latitudes and longitudes where Facebook estimates Ms. Tutt logged into Facebook. This

information contains Ms. Tutt's non-public, personal information regarding her location and internet activity.

10. The public disclosure of this information could cause Ms. Tutt embarrassment and increase her risk of a data breach including but not limited to identify theft.

11. The personal information that Plaintiffs seek to redact all qualify as "personal information" under the California Consumer Privacy Act of 2018, Cal. Civ. Code § 1798.140(o)(1) because all are identifiers that can be reasonably linked to Ms. Tutt.

12. I have no knowledge that Ms. Tutt made this information otherwise available to the public-at-large and thus have a reasonable expectation of privacy in this information.

13. Plaintiffs respectfully request that the Court seal this material from the public record.

14. In similar circumstances, Judge Freeman recently approved a motion to seal in *Calhoun, et. al v. Google LLC*, No. 5:20-cv-5146 (N.D. Ca Aug. 4, 2020), attached hereto as Exhibit A.

15. On August 13, 2020, defense counsel informed me that the defendant does not oppose the instant motion.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and to the best of my knowledge. This declaration was executed in Oakland, California.

DATED: August 17, 2020

/s/ Lesley E. Weaver
Lesley E. Weaver